

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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**Case: Z2005078** Ronnie Stonebreaker

Meeting Date: May 4, 2006

Agenda Item: 11

Supervisor District: 4

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**Applicant/Owner:** Thomas Stitt/Ronnie Stonebreaker

**Request:** Precise Plan of Development in the IND-1 zoning district and Airport Zone 2 overlay district

**Proposed Use:** Office and Warehouse

**Site Location:** West of the southwest corner of Dysart Rd. and the Orchid Dr. alignment in the west Glendale area

**Site Size:** Approx. 0.9 acres

**County Island Status:** Class II (City of Glendale)

## **Summary of Conformance with Adopted Plans:**

**County Plan:** This request is not in concert with the policies of the Comprehensive Plan requiring urban services for urban uses. The proposal is in concert with the land use designation of the County Area Plan.

**City/Town Plan:** The Glendale General Plan indicates "Luke Compatible Land Uses" for the site. The request would appear consistent with the City's plan.

**Support/Opposition:** None known

**Recommendation:** **Approve** with stipulations

1. This request is for a precise Plan of Development for an office/warehouse in the IND-1 PD (Planned Development Overlay) zoning district with Airport Zone 2 overlay. The approx. 0.9 acre (39,204 sq. ft.) site is located 400' W. of the southwest corner of Dysart Rd. and the Orchid alignment in the west Glendale area.
2. The company transports automobiles all around the country. Once the truck arrives in Phoenix, this yard will serve as a staying point to deliver the cars to their owners. Trucks are off-loaded in the yard area, and either re-loaded that day or the next day and sent for deliveries to other parts of the country. Overnight parking for one or two trucks will rarely occur in the parking area. The truck parking area located on the south of the building will be paved with asphalt millings. The facility will operate Monday through Friday from 8:00 a.m. to 5:00 p.m.
3. The site is rectangular in shape and has legal access through a private paved easement extending from Dysart Rd. This easement has been officially recorded and the applicant has provided such documentation (recorded on July 11, 2005 under 2005-0949987, Book 760 Page 39). The site will be fully enclosed via 6' high solid block wall.
4. The site will contain a single 20' high, 3,000 sq. ft. office/warehouse building constructed of pre-engineered metal material. There will be five (5) standard parking spaces located against the west property line and one (1) handicap-accessible parking space in front of the office/warehouse building. Also, there will be ten (10) additional parking spaces for visitors along the east property line. The parking area will be paved with asphalt. Approx. 3 people will be employed on site with another estimated 3 as "field personnel". The front half of the building will be used for office, with the back half to serve as storage for tools and supplies. No flammable materials such as gas, acetylene or others will be store on site. The entire back of the property, from the south wall of the building to the retention basin, will be used to store as many as 15 cars.
5. One (1) 48" x 96" sign is proposed above the entrance door. Landscaping for the site is shown on the applicant's landscape plan and consists of various plants such as native mesquite, desert museum palo verde, new goal lantana, purple trailing lantana, blue ranger, red yucca, rio bravo, Texas ranger, and bird of paradise. The bulk of the landscaping is shown to be located between the front setback and the pavement line, which does not technically meet the MCZO as will be discussed later.
6. The project will be served potable water by Westside Industrial Park, which is a public water system. Wastewater will be via septic system. Police service will be by MCSO and fire service will be by RMFD.

## Analysis of Conformance with Adopted Plans:

7. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Maricopa County Comprehensive Plan indicates that septic systems are typically reserved for rural uses. An industrial use such as this is considered urban development and, therefore, should utilize urban services and infrastructure, including sewer systems. Allowing industrial uses on septic is not only inconsistent with the Comprehensive Plan, it would help establish a precedent that would proliferate industrial zoning and development on septic systems throughout unincorporated Maricopa County, and likely create additional county islands which are strongly discouraged by Maricopa County. Nonetheless, it is important to note that the applicant is not requesting any additional entitlements and the IND-1 zoning is already in place.
8. **White Tanks/Grand Ave Area Plan:** The County Area Plan indicates this site is located within what is identified as the “Luke Subarea” as the property is in close proximity to Luke Air Force Base. With respect to the Base, the plan identifies several goals and objectives to ensure a compatible land use relationship, which will serve to protect the Base and the citizens who reside in the area. Goal L2 of the plan states,

*“Protect the public health, safety, and welfare in areas around Luke Air Force Base and other noise generating centers”.*

Listed as objectives of that goal are the following:

- Objective L2.1 - Prevent land use conflicts.
- Objective L2.2 - Encourage development patterns and standards compatible with the continuing operation of military and civilian airports, automotive proving grounds, and racetracks.

The plan goes on to address Goal L3, which states,

*“Define future policies for subareas”.*

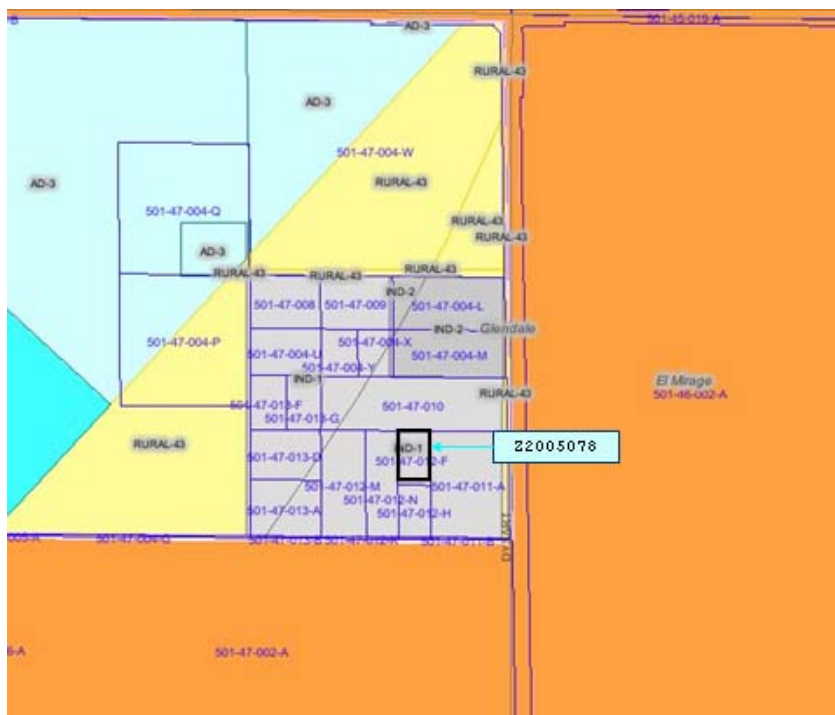
Objectives of that goal including the following:

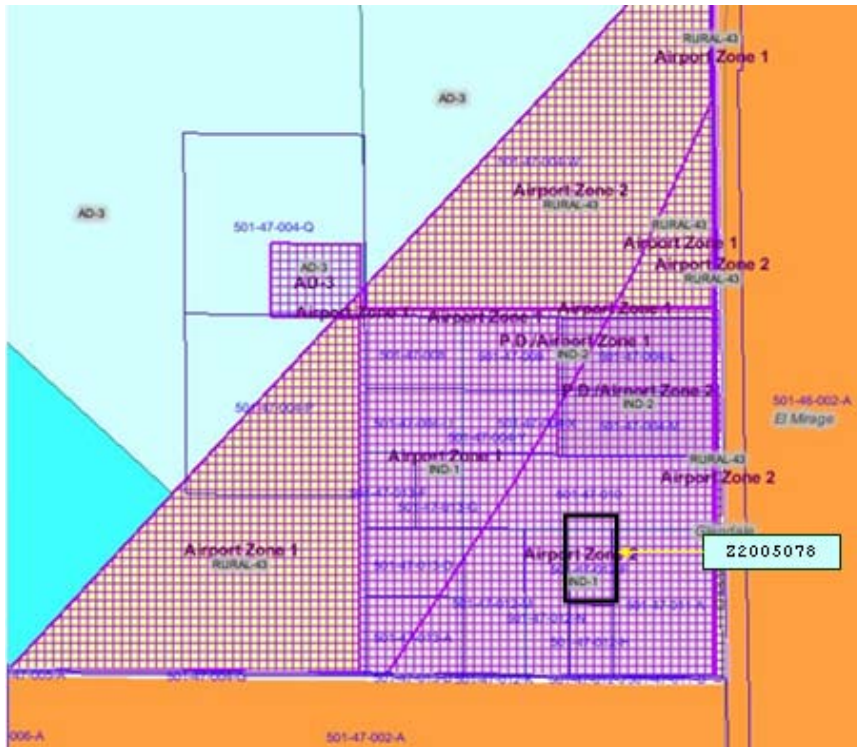
- Objective L3.6 – Within the Luke Subarea, encourage development to be compatible with Luke Air Force Base and the Urban Service Area.

9. To address the concerns and issues pertaining to the compatibility of lands uses adjacent to Luke Air Force base, the plan has identified this area as Agricultural. The plan states, *"The Agricultural Land Use category identifies lands that are suitable for cultivation, growing crops, and the production and maintenance of livestock. Certain agribusiness, commercial, and industrial activities may be allowed if deemed compatible with the safety and noise hazards of Luke Air Force Base."* The proposed use is compatible with this designation.
10. **City of Glendale General Plan:** The General Plan designates the subject site for Luke Air Force Base (LAFB) compatible land uses, the boundary of which is delineated by the 1988 JLUS 65 ldn noise contour. The subject property is located within the growth area identified as "Luke Compatible Land Uses". This section states that special legislation pertaining to land utilization near Luke Air Force Base established parameters to restrict residential and business development in the area, and that the City, Luke Air Force Base, and other jurisdictions cooperate to ensure that safe and compatible development will occur within the unincorporated area adjacent to the base.

### Existing On-Site and Adjacent Zoning:

11. On-site: IND-1 PD, Airport Zone 2  
 North: IND-1 PD, Airport Zone 2  
 East: IND-1 PD, Airport Zone 2  
 South: IND-2 (City of El Mirage's jurisdiction)  
 West: IND-1 PD, Airport Zone 1 and 2





## Existing On-Site and Adjacent Land Use:

- |     |          |   |
|-----|----------|---|
| 12. | On-site: | Vacant (proposed office and warehouse)                                    |
|     | North:   | Vacant  |
|     | East:    | Vacant, then arterial (Dysart Rd.), then agricultural (City of El Mirage) |
|     | South:   | Vacant, then agricultural City of El Mirage)                              |
|     | West:    | Vacant  |

## Area Land Use Analysis:

13. The subject property is in a Class II (City of Glendale) County Island, surrounded by the City of Glendale's strip annexation. The surrounding area has rural residential, low intensity industrial, and agricultural land uses. The larger area is primarily rural or agricultural in nature. Agricultural related industries are scattered throughout the area. The site is located within the 75 Ldn noise contour and is within the Westside Military Airbase Airport Zone 2 overlay. The site is also located just 0.1 miles from the Luke AFB Accident Potential Zone (APZ) 1 and approx. 0.12 miles from Luke AFB APZ 2. The site and immediate surrounding area was zoned industrial in 1980, which preceded the imposition of the 1988 JLUS noise contours and the Westside Military Airbase zoning overlays (added in 1992).

14. The following air-photo shows the site in relation to the surrounding properties.



### Adjacent Road Status:

15. **Dysart Road:** County maintained, four-lane paved N/S section-line arterial road with 55' of dedicated half-width right-of-way (ROW). No additional dedication is required as part of this project
16. **Orchid Alignment:** Private, non-maintained 25' wide paved road within 50' private easement.

### Utilities and Services:

17. **Water:** Westside Industrial Park
18. **Wastewater:** On-site septic system

- 19. **Fire Protection:** Rural Metro Fire Department (RMFD)
- 20. **Police Protection:** Maricopa County Sheriff's Office (MCSO)
- 21. **Electric:** APS
- 22. **Natural gas:** None
- 23. **Telephone:** Qwest Communications
- 24. **Cable television:** None
- 25. **Public schools:** Dysart Unified School District
- 26. **Irrigation:** None

**Reviewing Agencies:** (The request was reviewed at the TAC meeting of August 16, 2005.)

- 27. **Department of Transportation (MCDOT):** No objection, (see the attached memo).
- 28. **Environmental Services Department (MCESD):** No objection (see the attached memo).
- 29. **Drainage Review:** No objection (see the attached memo).
- 30. **Luke Space AirForce Base (LAFB):** LAFB responded to this request via a letter dated August 1, 2005 (attached). In summary, LAFB indicated that the request will have no impact on flying operations. LAFB recommended review of the sound attenuation requirements in ARS § 28-8461.
- 31. **City of Glendale:** The City responded to this request via a letter dated October 20, 2005 (attached). In summary, the City designated the property for Luke Compatible Land Uses. The site is located in the 75-79 ldn noise contour. The use appears to be allowed subject to reduction of noise in office and public area by at least thirty (30) decibels from the outdoor ambient noise levels. Also, Glendale states their annexation policy designated Loop 303 corridor as a high priority and the applicant should contact City of Glendale for information about benefits of annexation. Staff is supportive of annexation.
- 32. **State Historic Preservation Office (SHPO):** SHPO responded to this request via a letter dated August 9, 2005. In summary, SHPO is not opposed to the request and indicates a finding of "no historic properties affected" is appropriate for this site.

33. **Rural Metro Fire Department (RMFD):** RMFD responded to this request via a letter received by staff on August 1, 2005. In summary, RMFD is not opposed to the request and indicates that the applicant must obtain a will serve letter prior any further plan review, and any construction must meet or exceed the minimum standards set by fire code.
34. **Maricopa County Department of Emergency Management:** The Maricopa County Department of Emergency Management responded to this request via letter dated August 11, 2005. In summary, the MC Department of Emergency Management has no objections to the request.
35. **Other:** The request was also referred to the City of El Mirage, City of Glendale, City of Litchfield Park, City of Peoria, City of Phoenix, City of Surprise, City of Youngtown, Dysart Unified School District, West Valley Alliance, State of Arizona - Office of Attorney General, and Qwest Communications. To date, no response has been received from these entities.

## **Discussion and Evaluation:**

36. Arizona State Statutes (ARS) restricts the development of higher density residential uses and retail type commercial uses within the 1988 JLUS 75 Ldn noise contour, but permits specific commercial, industrial, and agricultural land uses. The use of warehouse and office is not specifically listed or prohibited by State Statute. The request was routed to LAFB Community Initiatives Team for review and comment. LAFB indicated no objection, provided the applicant adheres to the sound attenuation requirements laid out in ARS 28-8482.
37. The Maricopa County Comprehensive Plan indicates that septic systems are typically reserved for rural uses. However, an industrial use such as this is considered urban development and, therefore, should utilize urban services and infrastructure, including sewer systems. This position is supported by language from the Maricopa County Comprehensive Plan, which states the following:

*"One of the most important considerations for growth is the availability of infrastructure and services. Both can dictate the type and timing of future development. The availability of infrastructure and services is especially important to support urban development.*

*One of the principals of Eye to the Future 2020 is ensuring that growth occurs in an orderly and fiscally responsible manner. This includes ensuring that necessary infrastructure and services are available to meet the needs of future residents. When evaluating future urban development, Maricopa County analyzes whether the*



*following urban services and infrastructure either exist or will be provided for future residents in a timely manner:*

*Adequate utilities (sewer, water, electrical, natural gas, etc)”*

Further, Policy G1.2 states that Maricopa County will

*“Evaluate future urban development to determine if adequate infrastructure and services are available to meet the needs of future residents.”*

38. Allowing industrial uses on septic is not only inconsistent with the Comprehensive Plan, it would help establish a precedent that would proliferate industrial zoning and development on septic systems throughout unincorporated Maricopa County, and likely create additional county islands which are strongly discouraged by Maricopa County.
39. There are certain site plan discrepancies that need to be address, which are listed below:
  - i. Article 901.4.1.a.3 requires a 10' wide landscaping setback. The site plan indicates a landscape buffer adjacent to the front of the property; however, this buffer is located between the edge of the existing pavement and the front landscape setback. This landscape buffer should be measured from the ROW or access easement line and cannot contain any improvements other than driveways and landscaping (and utilities). Since zoning setbacks are measured from access easements, 10' of property adjacent to and south of the easement line (not pavement line) needs to be landscaped and the handicap parking space needs to be removed from that area.
  - ii. The site plan indicates Sight Visibility Triangles (SVT), however, they are of a configuration that does not meet MCZO. Articles 1111.4.2 and 1111.4.3 require that driveways serving commercial or industrial sites be protected by a 25' by 25' SVT, said SVT being set adjacent to the ROW line and the edge of the driveway. Nothing taller than 2', including landscaping and parking, is allowed inside the SVT. Having noted this, the aforementioned handicap parking space encroaches into this SVT, as does certain landscaping and a portion of the main building.

- iii. Also relating to the SVT issue is the fact that said SVTs will encroach into the neighboring properties due to the proximity of the driveways to the property lines. In order for this to occur, the applicant must obtain a sight visibility easement from the neighboring property owners in favor of the subject property. If such an easement is unattainable, the site plan would need to be revised such to shift the edge of the driveways 25' from the adjacent property lines.
  - iv. The site plan calls out two (2) access gates using call-out number 1, which references a drawing that is not included in the plan. The IND-1 zoning standards specifically state that gates need to be opaque, thus it is necessary to see the gate details in order to evaluate compliance with MCZO.
  - v. The location of the easternmost gate is in line with the front of the building; however, it is not connected to that building. Staff assumes that a CMU wall consistent with Detail 3 on Sheet 1 will extend from the corner of the building to the gate, but that is not clear. Again, since the site must be screened, it is relevant to ask for this detail to be cleared up.
  - vi. The western parking area shows a 20' wide backing aisle. Article 1102.8 requires that right-angle parking be provided with a 24' wide backing aisle. Further, this Article states that 4' wide return is needed at the end of a dead-end parking aisle.
40. Notwithstanding the above Maricopa County policies of not allowing industrial uses on septic, the area was zoned industrial in 1980. The proposed use is in conformance with Maricopa County Zoning Ordinance for IND-1 Zoning District and with the Airport Zone 2 Overlay. Therefore, staff is comfortable supporting the request. The above issues regarding site plan discrepancies notwithstanding, the proposal is in general compliance with the Maricopa County Zoning Ordinance. Reviewing agencies have no objections to the approval of the precise Plan of Development.

## **Recommendation:**

41. Staff recommends **approval** of Z2005078 for the following reasons:
- The proposal is in general compliance with Maricopa County Zoning Ordinance.
  - Reviewing agencies have no objections that are not addressed by the following stipulations.

Subject to the following stipulations:

- a. Development of the site shall comply with the site plan entitled "Stonebreaker Office and Warehouse 13133 West Orchid Lane El Mirage, Arizona Case #Z2005078", consisting of seven (7) sheets, including landscaping plans, dated (revised) April 4, 2006, and stamped received April 6, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan that addresses the following items:
  - i. The site/landscape plan shall indicate a ten (10) foot landscape setback pursuant to Maricopa County Zoning Ordinance (MCZO) Article 901.4.1.a.3. Said setback shall be measured from the easement line, not the pavement. No improvements other than driveways, landscaping and utilities shall be allowed in the setback.
  - ii. The site/landscape plan shall indicate Sight Visibility Triangles (SVT) in accordance with MCZO Articles 1111.4.2 and 1111.4.3. A note stating that nothing taller than two (2) feet, including landscaping or parking, is allowed inside the SVT. Said SVTs shall be measured from the line of the access easement.
  - iii. The site/landscape plan shall include gate details indicating opaque construction.
  - iv. The site/landscape plan shall indicate a 6' high CMU wall extending from the front of the building to the eastern gate.
  - v. The site/landscape plan shall indicate a 20' wide backing aisle and a 4' return pursuant to MCZO Article 1102.8.
- b. Development of the site shall be in conformance with the narrative report entitled "Planning and Development Review for Office Building for Ronnie Stonebreaker Case Number Z2005078" consisting of four (4) pages, dated (revised) April 4, 2006, and stamped received April 6, 2006, except as modified by the following stipulations.
- c. Prior to zoning clearance, the applicant shall provide written evidence of Sight Visibility Easements, consistent with MCZO Articles 1111.4.2 and 1111.4.3, granted from the neighboring property owners in favor of the subject property. Should said easements not be attainable, the applicant shall provide a revised site plan indicating a driveway configuration that allows the required SVTs to be located entirely on site. This revised site plan shall be processed administratively.

- d. In absence of public right-of-way and access improved to minimum Maricopa County standards, MCDOT is not liable or responsible for operation and maintenance of access to this site.
- e. All trees shall be double-staked when installed.
- f. A continuous parapet shall screen all roof-mounted equipment.
- g. All signage will conform to the IND-1 sign regulations of the Maricopa County Zoning Ordinance.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. All habitable or occupied buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B) or per Maricopa County Zoning Ordinance (MCZO) Airport Zone 2 requirements.
- m. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

gv/rhk

Attachments: Case map (1 page)  
Vicinity map (1 page)  
Site plan (reduced 8 ½" x 11", 7 pages)  
Narrative report (4 pages)  
MCDOT comments (memo, 1 page)  
MCESD comments (memo, 1 page)  
Drainage Review comments (memo, 1 page)  
Luke AFB (letter, 1 page)  
City of Glendale comments (letter, 1 page)  
SHPO comments (letter, 1 page)  
RMFD comments (letter, 1 page)  
MC Department of Emergency Management (letter, 1 page)

Enclosure: Site plan (11" x 17" reductions, 7 sheets)